

GENERAL GOVERNMENT
Kentucky Board of Cosmetology
(Amendment)

201 KAR 12:082. Education requirements and school administration.

RELATES TO: KRS 317A.020, 317A.050, 317A.090[, 317B.015, 317B.025]

STATUTORY AUTHORITY: KRS 317A.060, 317A.090[, 317B.020]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 317A.060(1)(h)[(2)(e)] requires the board to promulgate administrative regulations governing the hours and courses of instruction at schools of cosmetology, esthetics, and nail technology. ~~KRS 317B.020(3)(i) authorizes the board to promulgate administrative regulations including the hours and courses of instruction in esthetic practices.]~~ KRS 317A.090 establishes licensing~~the~~ requirements for schools of cosmetology, esthetics, and nail technology. This administrative regulation establishes requirements for the hours and courses of instruction, reporting, education requirements, and administrative functions required for students and faculty for schools of cosmetology, esthetics, and nail technology.

Section 1. Subject Areas. The regular courses of instruction for cosmetology students shall contain courses relating to the subject areas identified in this section.

- (1) Basics:
 - (a) History and Career Opportunities;
 - (b) Life Skills;
 - (c) Professional Image; and
 - (d) Communications.
- (2) General Sciences:
 - (a) Infection Control: Principles and Practices;
 - (b) General Anatomy and Physiology;
 - (c) Skin Structure, Growth, and Nutrition;
 - (d) Skin Disorders and Diseases;
 - (e) Properties of the Hair and Scalp;
 - (f) Basic Chemistry; and
 - (g) Basics of Electricity.
- (3) Hair Care:
 - (a) Principles of Hair Design;
 - (b) Scalp Care, Shampooing, and Conditioning;
 - (c) Hair Cutting;
 - (d) Hair Styling;
 - (e) Braiding and Braid Extensions;
 - (f) Wig and Hair Additions;
 - (g) Chemical Texture Services; and
 - (h) Hair Coloring.
- (4) Skin Care:
 - (a) Hair Removal;
 - (b) Facials; and
 - (c) Facial Makeup.
- (5) Nails:
 - (a) Manicuring;
 - (b) Pedicuring;

- (c) Nail Tips and Wraps;
- (d) Monomer Liquid and Polymer Powder Nail Enhancements; and
- (e) Light Cured Gels.
- (6) Business Skills:
 - (a) Preparation for Licensure and Employment;
 - (b) On the Job Professionalism; and
 - (c) Salon Businesses.

Section 2. A school of cosmetology shall teach the students about the various supplies and equipment used in the usual salon practices.

Section 3. Instructional Hours. (1) A cosmetology student shall receive not less than 1,500 hours in clinical class work and scientific lectures with a minimum of:

- (a) 375 lecture hours for science and theory;
- (b) 1,085 clinic and practice hours; and
- (c) Forty (40) hours on the subject of applicable Kentucky statutes and administrative regulations.

(2) A cosmetology student shall not perform chemical services on the public until the student has completed a minimum of 250 hours of instruction.

Section 4. Training Period for Cosmetology Students, Nail Technician Students, Esthetician Students, and Apprentice Instructors. (1) A training period for a student shall be no more than eight (8) hours per day, forty (40) hours per week.

(2) A student shall be allowed thirty (30) minutes per eight (8) hour day for meals or a rest break. This thirty (30) minute period shall not be credited toward a student's instructional hours requirement.

Section 5. Laws and Regulations. (1) At least one (1) hour per week shall be devoted to the teaching and explanation of the Kentucky law as set forth in KRS Chapter 317A[~~, 317B,~~] and 201 KAR Chapter 12.

(2) Schools of cosmetology, esthetics, and nail technology, shall provide a copy of KRS Chapter 317A and 201 KAR Chapter 12 to each student upon enrollment.

Section 6. Nail Technician Curriculum. The nail technician course of instruction shall include the following:

- (1) Basics:
 - (a) History and Opportunities;
 - (b) Life Skills;
 - (c) Professional Image; and
 - (d) Communications.
- (2) General Sciences:
 - (a) Infection Control: Principles and Practices;
 - (b) General Anatomy and Physiology;
 - (c) Skin Structure and Growth;
 - (d) Nail Structure and Growth;
 - (e) Nail Diseases and Disorders;
 - (f) Basics of Chemistry;
 - (g) Nail Product Chemistry; and
 - (h) Basics of Electricity.

- (3) Nail Care:
 - (a) Manicuring;
 - (b) Pedicuring;
 - (c) Electric Filing;
 - (d) Nail Tips and Wraps;
 - (e) Monomer Liquid and Polymer Powder Nail Enhancements;
 - (f) UV and LED Gels; and
 - (g) Creative Touch.
- (4) Business Skills:
 - (a) Seeking Employment;
 - (b) On the Job Professionalism; and
 - (c) Salon Businesses.

Section 7. Nail Technology Hours Required. (1) A nail technician student shall receive no less than 450~~[600]~~ hours in clinical and theory class work with a minimum of:

- (a) 150~~[240]~~ lecture hours for science and theory;
 - (b) Twenty-five (25) hours on the subject of applicable Kentucky statutes and administrative regulations; and
 - (c) 275~~[365]~~ clinic and practice hours.
- (2) A nail technician student shall have completed sixty (60)~~[eighty (80)]~~ hours~~[in clinical and related theory class]~~ before ~~[working on and]~~ providing services to the general public. Clinical practice shall be performed on other students or mannequins during the first sixty (60)~~[eighty (80)]~~ hours.

Section 8. Apprentice~~[Cosmetology]~~ Instructor Curriculum. The course of instruction for an apprentice~~[cosmetology]~~ instructor shall include no less than 750~~[1,000]~~ hours, 425 hours of which shall be in direct contact with students, in the following:

- (1) Orientation;
- (2) Psychology of student training;
- (3) Introduction to teaching;
- (4) Good grooming and professional development;
- (5) Course outlining and development;
- (6) Lesson planning;
- (7) Teaching techniques (methods);
- (8) Teaching aids, audio-visual techniques;
- (9) Demonstration techniques;
- (10) Examinations and analysis;
- (11) Classroom management;
- (12) Recordkeeping;
- (13) Teaching observation;
- (14) Teacher assistant; and
- (15) Pupil teaching (practice teaching).

Section 9. Supervision. An apprentice instructor shall be under the immediate supervision and instruction of a licensed instructor during the school day. An apprentice instructor shall not assume the duties and responsibilities of a licensed supervising instructor.

Section 10. Additional Coursework. Apprentice Esthetics and Nail Technology Instructors shall also complete an additional fifty (50) hours of advanced course work in that field within a

two (2) year period prior to the instructor examination.

Section 11. Schools may enroll persons for a special brush-up course in any subject.

Section 12[44]. Esthetician Curriculum. The regular course of instruction for esthetician students shall consist of courses relating to the subject areas identified in this section.

- (1) Basics:
 - (a) History and Career Opportunities;
 - (b) Professional Image; and
 - (c) Communication.
- (2) General Sciences:
 - (a) Infection Control: Principles and Practices;
 - (b) General Anatomy and Physiology;
 - (c) Basics of Chemistry;
 - (d) Basics of Electricity; and
 - (e) Basics of Nutrition.
- (3) Skin Sciences:
 - (a) Physiology and Histology of the Skin;
 - (b) Disorders and Diseases of the Skin;
 - (c) Skin Analysis; and
 - (d) Skin Care Products: Chemistry, Ingredients, and Selection.
- (4) Esthetics:
 - (a) Treatment Room;
 - (b) Basic Facials;
 - (c) Facial Massage;
 - (d) Facial Machines;
 - (e) Hair Removal;
 - (f) Advanced Topics and Treatments; and
 - (g) Makeup.
- (5) Business Skills:
 - (a) Career Planning;
 - (b) The Skin Care Business; and
 - (c) Selling Products and Services.

Section 13[42]. Esthetician Hours Required. (1) An esthetician student shall receive no less than 750[1,000] hours in clinical and theory class work with a minimum of:

- (a) 250[365] lecture hours for science and theory;
 - (b) Thirty-five (35) hours on the subject of applicable Kentucky statutes and administrative regulations; and
 - (c) 465[600] clinic and practice hours.
- (2) An esthetician student shall have completed 115[150] hours [~~in clinical and related theory class~~] before providing services to the general public. Clinical practice shall be performed on other students or mannequins during the first 115[150] hours.

Section 14[43]. Extracurricular Events. Each cosmetology, nail technician, and esthetician student shall be allowed up to sixteen (16) hours for field trip activities pertaining to the profession of study, sixteen (16) hours for attending educational programs, and sixteen (16) hours for charitable activities relating to the field of study, totaling not more than forty-eight (48) hours and not to exceed eight (8) hours per day. Attendance or participation shall be reported to the

board within ten (10) business days of the field trip, education show, or charitable event on the Certification of Student Extracurricular Event Hours form.

Section 15[44]. Student Records. Each school shall:

- (1) Maintain a daily attendance record for all full-time students, part-time students, and apprentice instructors;
- (2) Keep a record of each student's practical work and work performed on clinic patrons;
- (3) Maintain a detailed record of all student enrollments, withdrawals, and dismissals for a period of five (5) years; and
- (4) Make records required by this Section available to the board and its employees upon request.

Section 16[45]. Certification of Hours. (1) Schools shall forward to the board digital certification of a student's hours completed within ten (10) business days of a student's withdrawal, dismissal, completion, or the closure of the[~~cosmetology~~] school.

(2) No later than the 10th day of each month, a licensed[~~cosmetology~~] school shall submit to the board via electronic delivery a certification of each student's total hours obtained for the previous month and the total accumulated hours to date for all students enrolled. Amended reports shall not be accepted by the board without satisfactory proof of error. Satisfactory proof of error shall require, at a minimum, a statement signed by the school manager certifying the error and the corrected report.

Section 17[46]. No Additional Fees. Schools shall not charge students additional fees beyond the contracted amount.

Section 18[47]. Instructor Licensing and Responsibilities. (1) A person employed by a cosmetology, nail technology, or esthetic practices school for the purpose of teaching or instruction shall be licensed by the board as an[~~a cosmetologist~~] instructor and shall post his or her license as required by[~~in~~] 201 KAR 12:060.

(2) A licensed instructor or apprentice instructor shall supervise all students during a class or practical student work.

(3) An instructor or apprentice instructor shall render services only incidental to and for the purpose of instruction.

(4) Licensed[~~Cosmetology~~] schools shall not permit an instructor to perform[~~cosmetology~~] services in the school for compensation during school hours.

(5) An instructor shall not permit students to instruct or teach other students in the instructor's absence.

(6) Except as provided in subsection (7) of this section, schools may not permit a demonstrator to teach in a licensed school[~~of cosmetology~~].

(7) A properly qualified, licensed individual may demonstrate a new process, preparation, or appliance in a licensed school ~~if in the presence of~~ a licensed instructor is present [~~in a licensed school~~].

(8) Licensed schools of cosmetology, esthetics, and nail technology shall, at all times, maintain a minimum faculty to student ratio of one (1) instructor for every twenty (20) students enrolled and supervised.

(9) Licensed schools of cosmetology, esthetics, and nail technology shall, at all times, maintain a minimum ratio of one (1) instructor for every two (2) apprentice instructors enrolled and supervised.

(10) Within ten (10) business days of the termination, employment, and other change in

school faculty personnel, a licensed school shall notify the board of the change.

Section 19[48]. School Patrons. (1) All services rendered in a licensed[cosmetology] school to the public shall be performed by students. Instructors may teach and aid the students in performing the various services.

(2) A licensed school shall not guarantee a student's work.

(3) A licensed school shall display in the reception room, clinic room, or any other area in which the public receives services a sign to read: " Work Done by Students Only." The letters shall be a minimum of one (1) inch in height.

Section 20[49]. Enrollment. (1) Any person enrolling in a school for a cosmetology, nail technician, or esthetics course shall furnish proof that the applicant has:

(a) A high school diploma,

(b) A General Educational Development (GED) diploma; or

(c) Results from the Test for Adult Basic Education indicating a score equivalent to the successful completion of the twelfth grade of high school.

(2) The applicant shall provide with the enrollment a passport photograph taken within thirty (30) days of submission of the application.

(3) A student enrolling in a licensed school~~[of cosmetology]~~ who desires to transfer hours from an out of state~~[cosmetology]~~ school shall, prior to enrollment, provide to the board certification of the hours to be transferred from the state agency that governs the out of state~~[cosmetology]~~ school~~[the credit hours obtained in that state]~~.

(4) If the applicant is enrolled in a board approved~~[cosmetology]~~ program at an approved Kentucky high school, the diploma, GED, or equivalency requirement of this Section is not necessary until examination.

Section 21[20]. Certificate of Enrollment. (1) Schools shall submit to the board the student's digital enrollment, accompanied by the applicant's proof of education, as established in Section 19 of this administrative regulation, within ten (10) business days of enrollment.

(2) All student identification information on the school's digital enrollment must exactly match a state or federal government-issued identification card to take the examination. If corrections must be made, the school shall submit the Enrollment Correction form and the fee in 201 KAR 12:260 within ten (10) days of the erroneous submission. Students with incorrect enrollment information will not be registered for an examination.

Section 22[24]. Student Compensation. (1) Schools shall not pay a student a salary or commission while the student is enrolled at the school.

(2) Licensed schools shall not guarantee future employment to students.

(3) Licensed schools shall not use deceptive statements and false promises to induce student enrollment.

Section 23[22]. Transfer. A student desiring to transfer to another licensed~~[cosmetology]~~ school shall:

(1) Notify the school in which the student is presently enrolled of the student's withdrawal; and

(2) Complete a digital enrollment as required for the new school.

Section 24[23]. Refund Policy. A school shall include the school's refund policy in school-student contracts.

Section ~~25~~²⁴. Student Complaints. A student may file a complaint with the board concerning the school in which the student is enrolled, by following the procedures outlined in 201 KAR 12:190~~060~~.

Section ~~26~~²⁵. Student Leave of Absence. The school shall report a student's leave of absence to the board within ten (10) business days. The leave shall be reported:

- (1) In writing from the student to the school; and
- (2) Clearly denote the beginning and end dates for the leave of absence.

Section ~~27~~²⁶. Student Withdrawal. Within ten (10) business days from a student's withdrawal, a licensed~~cosmetology~~ school shall report the name of the withdrawing student to the board. ~~[Section 27. Laws and Regulation Material. A cosmetology school shall provide an informational copy of KRS Chapter 317A[and 317B,] and 201 KAR Chapter 12 to each student upon enrollment.]~~

Section 28. Credit for hours completed. The board shall credit hours previously completed in a licensed school~~of cosmetology~~ as follows:

- (1) Full credit (hour for hour) for hours completed within five (5) years of the date of school enrollment; and
- (2) No credit for hours completed five (5) or more years from the date of school enrollment.

Section 29. Incorporation by Reference. The following material is incorporated by reference:
(1)(a)[(4)] "Certification of Student Extracurricular Event Hours", February 2018;
and[September 2017,]

(b) "Enrollment Correction Form", April 2018[is incorporated by reference].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky~~[State]~~ Board of Cosmetology~~[Hairdressers and Cosmetologists]~~, 111 St. James Court, Suite A, Frankfort Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

R. KAY SWANNER, Board Chair

APPROVED BY AGENCY: April 6, 2018

FILED WITH LRC: April 13, 2018 at 9 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 23, 2018, at 9:00 a.m., at Kentucky Board of Cosmetology. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on May 31, 2018. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Julie M. Campbell, Board Administrator, 111 St. James Ct. Ste A. Frankfort, Kentucky 40601, (502) 564-4262, email julie.campbell@ky.gov, fax: (502) 564-0481.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Julie M. Campbell

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes requirements for the hours and courses of instruction, reporting, education requirements, and administrative functions for licensed schools of cosmetology, esthetics, and nail technology in Kentucky.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to ensure standardized education that complies with state statutes.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This amendment conforms the administrative regulation with recent statutory amendments to KRS 317A.050 and 317A.090 contained in House Bill 260. Those statutory amendments reduced the instructional hours required for nail technicians and estheticians to be licensed in Kentucky.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This amendment outlines and defines education standards and the quantity of course hours required for licensed schools and students seeking Kentucky licensure as cosmetologists, estheticians, and nail technicians.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment will revise the current nail technician and esthetician curriculum to comport with the recent amendments to KRS 317A.050 and 317A.090 contained in House Bill 260, which took effect on April __, 2018. In addition to the reduction in instructional hours, this amendment also updates other aspects of course curriculum in the existing administrative regulation.

(b) The necessity of the amendment to this administrative regulation: This amendment is required to comply with House Bill 260, which amended KRS 317A.050 and 317A.090 to reduce the number of instructional hours necessary to be licensed as a nail technician or esthetician in Kentucky. This amendment will conform the administrative regulation to these newly amended statutes.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment provides curriculum guidelines for education based on the statutory amendments in House Bill 260 reducing the instructional hours for nail technicians and estheticians to be licensed in Kentucky.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will provide a regulatory scheme for licensed schools that complies with the governing statute.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are 62 licensed cosmetology schools and approximately 10,000 students affected by this amendment.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: This amendment is necessary to ensure that licensed cosmetology schools are provided the necessary regulatory guidance and may maintain their current accreditation by national accrediting organizations. As a result of this amendment, licensed schools will provide students a course curriculum that is consistent with the statutes and the administrative regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no anticipated cost to licensed schools

because of this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This amendment enables licensed schools to enroll students into programs based upon the statutorily adjusted curriculum requirements of House Bill 260. Kentucky's regulatory scheme for licenses will fully comply with its authorizing statutes, and be more closely aligned with similar licensing schemes of other states.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No additional funds are necessary initially to implement this amendment.

(b) On a continuing basis: No additional funds are necessary on an ongoing basis to implement this amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: All Kentucky Board of Cosmetology funding comes from fees collected from licensees and applicants. Current funding will not change as a result of this amendment.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No changes or increases in fees are anticipated as a result of this amendment.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees are created or increased directly or indirectly by this amendment.

(9) TIERING: Is tiering applied? Tiering is not applied as the requirements of this administrative regulation apply equally to all licensed schools and students.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Kentucky Board of Cosmetology.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 317A.050 and KRS 317A.060.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. There is no anticipated effect on state or local government agency revenue as a result of this amendment.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No additional revenue is anticipated as a result of this amendment.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No additional revenue is anticipated as a result of this amendment.

(c) How much will it cost to administer this program for the first year? No additional cost is anticipated for the first year.

(d) How much will it cost to administer this program for subsequent years? No additional cost is anticipated for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): Not applicable.

Expenditures (+/-): Not applicable.

Other Explanation: Not applicable.